



KENYA NATIONAL COMMISSION FOR UNESCO

WHISTLEBLOWER PROTECTION POLICY

FOR KENYA NATIONAL COMMISSION FOR UNESCO

MARCH 2021

Policy Name:	WHISTLEBLOWER PROTECTION POLICY		
Reference:	KNCU/CSP/POL/WPP/12	Issue No:	01/01
Date Adopted:	30/03/2021	Date Revised:	29/03/2021

Policy Contact Office: _____ **DEPUTY SECRETARY GENERAL- PROGRAMMES** _____

Implementation Responsibility: _____ **CORRUPTION PREVENTION COMMITTEE** _____

Approved:



Dr. Evangeline Njoka, MBS
Secretary General/CEO

29th March 2021

Date

CONTENTS

FOREWORD 3

PREFACE 4

1.0 PREAMBLE 5

2.0 DEFINITIONS TERMS 5

3.0 PURPOSE OF THE POLICY 6

4.0 SCOPE OF THE POLICY 6

5.0 PROCEDURE FOR WHISTLEBLOWING 7

6.0 PROTECTION OF WHISTLEBLOWERS 8

 6.1 Zero Tolerance on Harassment or Victimization 8

 6.2 Confidentiality 8

 6.3 Anonymity 8

7.0 RESPONSIBILITIES 9

8.0 REVIEW 9

9.0 EFFECTIVE DATE 9



FOREWORD

The Mission of the Commission is to promote building of peace, sustainable development, intellectual collaboration through UNESCO areas of education, the sciences, culture, and communication and information. The Commission is also mandated to undertake research and consultancy to enhance the existing knowledge and promote intellectual dialogue. Its vision is to be a leading organization in the advancement of peace, sustainable development, and intellectual collaboration in the UNESCO areas of competencies.

To realize these, an effective Whistleblower Protection Policy is paramount. The aim of the Policy is to provide an internal mechanism for reporting, investigating, and remedying any wrongdoing in the workplace. In pursuing its mandate, the Commission's entire Board and staff are expected to maintain high standards of honesty, integrity, accountability and zero tolerance to corruption in line with the Commission's core values, Constitution of Kenya and all relevant and applicable laws.

To ensure this, the Commission through this Policy aims at cultivating a culture of openness and accountability. The policy provides a mechanism for protection of whistleblowers and is expected to encourage whistle blowing.

The Board is committed to support the implementation of this policy and ensure that the Commission achieves its mandate.



Dr. Misigo Amatsimbi
Board Chair

PREFACE

The resources of the Kenya National Commission for UNESCO (KNATCOM) require to be safeguarded and ensure optimal value for money in a manner that is efficient, effective, accountable, and transparent. This Policy therefore has been developed to provide guidance to the Board, staff and stakeholders of the Commission who wish to report cases of corruption, unethical conduct, or malpractice in the Commission. The policy takes cognizance of the need to protect whistleblowers.

The Policy elaborates procedure to be followed in reporting corruption cases and other unethical conduct and malpractices. It also provides for the protection and support of whistleblowers with a view to encouraging them to report without fear of victimization or reprisal. It is anticipated that the provisions of this policy shall provide sufficient assurance of protection to the Board, staff and stakeholders who report any incidences of corruption, unethical conduct or malpractices.

The Commission is committed to the effective implementation of this Policy as a proactive initiative in the fight against corruption, unethical conduct and malpractices.

Dr. Evangeline Njoka, MBS
Secretary General/CEO

1.0 PREAMBLE

Employees are often the first to realise that there may be something seriously wrong within an organization. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Commission. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Yet by knowing about malpractice at an early stage, the Commission stands a good chance of taking the necessary steps to disrupt the malpractices, safeguard its interests and those of the stakeholders.

The Commission is committed to the highest possible standards of openness, probity and accountability. In line with that commitment employees and stakeholders with serious concerns about any aspect of the Commission work are encouraged to come forward and voice those concerns without fear of reprisals. This Policy document makes it clear that one can make such a report without the fear of victimisation, or subsequent discrimination or disadvantage.

The Commission is committed to the effective implementation of this Policy as a proactive initiative in the fight against corruption.

2.0 DEFINITIONS TERMS

In this Policy, unless the context otherwise requires the following terms are defined as follows:

CPC Committee refers to the Corruption Prevention Committee established under the Corruption Prevention Policy

Employee: means a members of staff of KNATCOM

KNATCOM: refers to the Kenya National Commission for UNESCO

Policy: refers to Whistle Blower Policy

Reprisal: direct or indirect detrimental action recommended, threatened, or taken because a person is engaged in an activity protected by this policy.

WB: refers to the whistleblower

Whistle blowing: means the reporting of suspected wrong doing at work, i.e. making a disclosure in the public interest

Whistleblower: a knowledgeable insider who informs a person in authority, the press, public or investigators or prosecutors about alleged dishonest or illegal activities or misconduct occurring in the Commission.

3.0 PURPOSE OF THE POLICY

The rationale behind whistle blowing is that without the reliable and effective evidence of concealed criminal acts, the discovery of criminality can never be brought to book. Therefore this Policy is intended to provide an internal mechanism for reporting cases of corruption or malpractice within KNATCOM to attain a culture of zero tolerance towards corruption, and any other unethical practices. It also provides assurance to whistle blowers that they will be protected from possible reprisals or victimization.

4.0 SCOPE OF THE POLICY

This Policy prescribes protection of whistleblowers reporting incidences of corruption and unethical practices in the commission. It also highlights the channels and procedures of reporting cases of corruption and malpractice in KNATCOM by staff and stakeholders. of the Commission. It is intended to cover concerns that fall outside the scope of the human resource grievance procedure and the public complaints.

The concern raised may relate to:

- i. conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- ii. disclosures related to miscarriages of justice
- iii. racial, sexual, disability or other discrimination
- iv. health and safety of the public and/or other employees
- v. damage to the environment
- vi. unauthorised use of public funds or other assets
- vii. possible fraud and corruption
- viii. neglect or abuse of clients, or
- ix. any other unethical conduct

The Policy is not intended to replace existing procedures. The policy will be implemented in reference to the relevant Legislative and institutional frameworks including the Constitution, Anti-corruption and Economic Crimes Act, 2003 Bribery Act, 2016 and Witness Protection Act, 2016

5.0 PROCEDURE FOR WHISTLEBLOWING

To the extent possible, any concern raised should be factual and not speculative, frivolous, malicious or for personal gain; and should contain as much information as possible to allow proper assessment and investigation.

Whistleblowing concern can either be made anonymous or confidential. The following is the procedure to be followed by a whistleblower:

- 5.1 A concern may be raised orally or in writing.
- 5.2 A whistle blower who chooses to raise a concern orally may do so face to face or over the phone to an Integrity Assurance Officer or a member of the Corruption Prevention Committee. The report can also be made through the Commission's dedicated hotline provided in the website-
- 5.3 A WB who chooses to raise a concern in writing may enclose submissions in an envelope marked "**private and confidential.**" The envelope may be posted to the Commission or dropped into the corruption reporting box located within the premises of KNATCOM. Additionally, the WB may also write an anonymous note and drop it into the corruption reporting box.
- 5.4 A WB who chooses to raise a concern through email shall do so through a dedicated email address for reporting corruption. The dedicated email address shall appear on the KNATCOM website;
- 5.5 Concerns expressed anonymously will be considered by the the Commission. The factors to be taken into account in considering anonymous concerns will include:
 - a. the seriousness of the issue raised;
 - b. the credibility of the concern; and
 - c. the likelihood of confirming the allegation from other sources.
- 5.6 Within ten working days of a concern being raised, the person investigating the concern will write to the WB when not anonymous:
 - a. acknowledging that the concern has been received;
 - b. indicating how the Commission proposes to deal with the matter;
 - c. supplying the WB with information on staff support mechanisms; and
 - d. telling the WB whether further investigations will take place and if not, the reasons for not carrying out investigations.

- 5.7 The investigation may need to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.
- 5.8 The WB is at liberty to forward their concerns to relevant external agencies such as EACC, Office of the Auditor General.

6.0 PROTECTION OF WHISTLEBLOWERS

The Commission will adhere to:

6.1 Zero Tolerance on Harassment or Victimization

The Commission will not tolerate any harassment, victimization, subsequent retaliation or discrimination of a whistleblower who raises concerns in good faith. Specifically, the Commission will not discharge, demote, suspend, threaten or harass any employee who lawfully provides information to the authorities regarding any conduct which the employee reasonably believes constitutes a corrupt conduct, unethical practice and any other malpractices. The Whistleblower's identity and such other confidential information of the Whistleblower shall not be disclosed. Disclosure of a Whistleblower's identity shall constitute gross misconduct and such person shall be subjected to disciplinary process.

The protection against detrimental action is extended to any person related to or associated with the whistleblower. The whistleblower is expected to make disclosure in good faith and have reasonable grounds that the information being disclosed is true. Even when such information turns incorrect the WB will not be subjected to any punishment. The protection provided by this policy does not apply where a person knowingly gives false, frivolous, malicious and misleading information. Instead, this may result into disciplinary action.

6.2 Confidentiality

As far as possible, the Commission will protect the identity of a whistleblower who does not want their identity to be disclosed.

6.3 Anonymity

All concerns expressed anonymously shall be considered by the Commission and shall be expeditiously investigated as far as is reasonably possible.

All concerns expressed anonymously shall be considered by the Commission shall be expeditiously investigate as far as is reasonably possible.

7.0 RESPONSIBILITIES

7.1 The Board

- a. Shall be responsible for validation and approval of this Policy; and
- b. Shall deliberate on corruption related cases referred to them.

7.2 The Secretary General/CEO

- a. Shall have overall responsibility for the implementation of this Policy.

7.3 Corruption Prevention Committee

- a. Shall be the implementing organ of this Policy;
- b. Shall review the whistleblower protection strategies and action plans; and periodically report to the Management.

8.0 REVIEW

This Policy will be reviewed every two years or as need arises.

9.0 EFFECTIVE DATE

This Policy shall come into effect this 29th day of March, 2021

Signed 

Date 29th March 2021

Dr. Evangeline Njoka, MBS

Secretary General/CEO

Tracker

WHISTLE-BLOWING POLICY

<i>Date developed</i>	
<i>Shared with Management</i>	
<i>Shared with the Board</i>	
<i>Developed by</i>	Corruption Prevention Committee
<i>Revision</i>	
<i>Shared with Management</i>	
<i>Shared with the Board</i>	
<i>Date Approved</i>	
<i>Revised edition developed by</i>	Corruption Prevention Committee





Kenya National Commission for UNESCO (KNATCOM)

16th Floor National Bank Building,
Harambee Avenue,
P.O. Box 72107-00200, Nairobi, Kenya.
+254 20-229053/4;
sg@unesco.go.ke
www.unesco.go.ke